

AMENDED IN ASSEMBLY MAY 1, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2263

Introduced by Assembly Member Spitzer

(Coauthors: Assembly Members Cogdill, Daucher, DeVore, Garcia, Shirley Horton, La Suer, Maze, Mountjoy, Strickland, Villines, Walters, and Wyland)

(Coauthors: Senators Battin, Cox, Dutton, and Morrow)

February 22, 2006

An act to amend Section 290.95 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2263, as amended, Spitzer. Sex offenders: working with minors.

Under existing law, a person who is required to register as a sex offender who applies or accepts a position as an employee or volunteer with any person, group, or organization where he or she would be working directly and in an unaccompanied setting with minor children on a regular basis, is required to disclose his or her registrant status. A violation of that provision is a misdemeanor.

~~This bill would eliminate as a condition of that disclosure requirement that the person work in an unaccompanied setting with the minor children~~ *require every person required to register as a sex offender who applies or accepts a position as an employee or volunteer with any person, group, or organization where the applicant would be working directly and in an accompanied setting with minor*

children, and the applicant's work would require him or her to touch the minor children on more than an incidental and occasional basis, to disclose his or her status as a registrant, upon application or acceptance of the position, to that person, group, or organization.
Because

Because the bill would expand the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 290.95 of the Penal Code is amended to
- 2 read:
- 3 290.95. (a) Every person required to register under Section
- 4 290, who applies or accepts a position as an employee or
- 5 volunteer with any person, group, or organization where the
- 6 registrant would be working directly *and in an unaccompanied*
- 7 *setting* with minor children on more than an incidental and
- 8 occasional basis or have supervision or disciplinary power over
- 9 minor children, shall disclose his or her status as a registrant,
- 10 upon application or acceptance of a position, to that person,
- 11 group, or organization.
- 12 (b) *Every person required to register under Section 290 who*
- 13 *applies or accepts a position as an employee or volunteer with*
- 14 *any person, group, or organization where the applicant would be*
- 15 *working directly and in an accompanied setting with minor*
- 16 *children, and the applicant's work would require him or her to*
- 17 *touch the minor children on more than an incidental and*
- 18 *occasional basis, shall disclose his or her status as a registrant,*
- 19 *upon application or acceptance of the position, to that person,*
- 20 *group, or organization.*
- 21 (c) No person who is required to register under Section 290
- 22 because of a conviction for a crime where the victim was a minor

1 under 16 years of age shall be an employee or act as a volunteer
2 with any person, group, or organization where the registrant
3 would be working directly and in an unaccompanied setting with
4 minor children on more than an incidental and occasional basis
5 or have supervision or disciplinary power over minor children.

6 ~~(e)~~

7 (d) A violation of this section is a misdemeanor punishable by
8 imprisonment in a county jail for not exceeding six months, by a
9 fine not exceeding one thousand dollars (\$1,000), or by both that
10 imprisonment and fine, and a violation of this section shall not
11 constitute a continuing offense.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the
17 penalty for a crime or infraction, within the meaning of Section
18 17556 of the Government Code, or changes the definition of a
19 crime within the meaning of Section 6 of Article XIII B of the
20 California Constitution.